

BOARD OF CODE STANDARDS AND APPEALS

MINUTES

July 11, 2005

Members: Francisco Banuelos, Andy Bias, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, Scot Wolfington, John Youle

Present: Banuelos, Harder, Hartwell, Hentzen, Willenberg, Wolfington, Youle

Absent: Bias, Murabito

Staff Members Present: Kurt Schroeder, Deb Legge, Maria Bias, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Wolfington on Monday, July 11, 2005, at 1:32 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the Minutes from the June, 2005, meeting.

A motion was made by Board Member Hartwell, seconded by Board Member Willenberg, to approve the minutes of the June meeting as submitted. Motion carried.

2. Approval of the July, 2005, license examination applications.

There were no applications for license examination for the month of July.

3. Condemnation Hearings

Review Cases

1. 635 W. Hendryx

Joann Tejeda and Richard Chavez were present as representatives of this property.

At Chairman Wolfington's request, the Board Members introduced themselves to Ms. Tejeda and Mr. Chavez.

This property was first before the Board at the July 12, 2004, hearing and again at the September, 2004; the November, 2004, hearing, the January, 2005, hearing; the March, 2005. At the May 2, 2005, a motion was made to allow until the July 11, 2005, hearing to complete the repairs or reappear before the Board.

The taxes are current; additional work has been done to the property. There is some brush on the premises from the recent rainstorms. The structure has been painted and reroofed. The addition on the rear has been removed, however, has not been leveled or cleared of debris. The structure is secure.

Chairman Wolfington asked Ms. Tejeda and Mr. Chavez what their plans for the property were, and how approximately how much time would be needed to complete the remainder of the work

Mr. Chavez told the Board that he anticipated having the work completed within next two weekends.

Chairman Wolfington asked whether Mr. Chavez thought he could have the necessary work finished by the next Board meeting on August 1, 2005. Mr. Chavez told the Board that he could finish the repairs within that time frame.

Board Member Hentzen made a motion to allow until the August 1st hearing to complete the repairs or reappear before the Board. The motion was seconded by Banuelos. The motion carried, unopposed.

2. 1135 N. Piatt

This property was represented by Anthony Griffith.

At the May 2, 2005, hearing, a motion was made approved to allow sixty days for the delinquent taxes to be brought current, and to get the property cleaned and secured.

The taxes for 2001, 2002, 2003 and 2004 are still delinquent in the amount of \$1,143.10. There is bulky waste, trash and debris on the premises. An inoperable vehicle is also on the premises. Although no repairs have been made, the structure is secure.

Mr. Griffith explained that he had been involved in an auto accident and had suffered a back injury that had required hospitalization. He told the Board that he had re-injured himself while working to clean up the debris on the site, causing a temporary delay in his progress. Mr. Griffith indicated that he expected to be able to bring the delinquent taxes up to date within sixty days, and he currently has arranged a payment schedule with the Sedgwick County Appraiser's Office.

He has also hired a contractor, Rapid Siding, to reroof and re-side the structure. The contractor is to begin the repairs on July 31, 2005.

A motion was made by Board Member Banuelos to allow until the September 12, 2005, meeting to complete the required repairs or reappear before the Board, keeping the structure secure and the premise cleared of debris. Board Member Hentzen seconded the motion. The motion carried, unopposed.

3. 317 S. Dodge

Francis Buckman appeared before the Board to represent this property.

This property was first brought before the Board at the May 2, 2005, hearing. Mr. Buckman was present at that hearing; at that time a motion was made and approved to allow sixty days for the completion of repairs, keeping the premises maintained and secure.

The taxes are current on the property. There are some tree branches on the premises from the storm; there is some other miscellaneous trash and debris on the site; there has been no change to the property. The structure is currently secure.

Mr. Buckman requested that the Board grant an additional sixty days for the repair of the structure. He explained that the contractors that he had contacted had been too busy to begin work on this property. Although he does not have a signed contract, Mr. Buckman said that he had arranged to have David Caro Construction begin the required work.

Board Member Hartwell made a motion to allow until the September, 2005, meeting to complete the repairs or reappear before the Board. The motion was seconded by Board Member Willenberg. The motion carried, unopposed.

4. 1122 S. Richmond

Ms. Legge informed the Board that this structure is in the process of being demolished. The taxes for 2003 and 2004 are delinquent in the amount of \$362.12.

A motion was made by Board Member Hentzen to return the property to regular code enforcement. Board Member Harder seconded the motion. The motion was approved unanimously.

5. 305 N. Madison

McClure Reynolds appeared before the Board to represent this property.

Chairman Wolfington requested that the Board Members and Central Inspection staff introduce themselves.

This property is a one-story frame dwelling about 30 x 52 feet in size; it has been vacant for approximately three years; the structure has a cracking and shifting concrete block foundation. The structure has broken and missing siding shingles; the concrete porches and steps are deteriorating; there is also rotting wood trim. The 28 x 21 foot accessory building is also deteriorated.

The active file was initiated on this property on January 16, 2003, with a Notice of Improvement. On March 31, 2003, a violation notice was issued. There was no response to either notice. A Uniform Criminal Complaint was issued on July 8, 2003, and a court date was set for October 30, 2003. At the court hearing, the owner pled 'no contest,' and the hearing was set over. On the second court date, January 29, 2004, the owner failed to appear. There had been no repairs made on the property. When the owner was scheduled to appear in court again on March 25, 2004, the owner again failed to appear; there had still been no progress made on the repairs of the property. The status of the repairs was the same at the May 20, 2004, court date. By the final court hearing on August 25, 2004, there had been some clean up to the premise. The owner was fined \$4,000 and sentenced to 24 months in jail. The fine and sentence were not imposed.

A Notice of Violation was issued on February 10, 2005; no response was received to the notice. A Pre-condemnation letter was sent on April 11, 2005.

The 2002, 2003, and 2004 taxes are delinquent in the amount of \$5,421.16. There are tall grass and weeds, bulky waste and debris, and a truck bed full of trash on the premises.

At the last site inspection, it was noted that no repairs have been made; there are some open windows.

Mr. Reynolds told the Board that he had dealt with the property for some time, although he had not always been the owner; he indicated that he had lived there at one time. He said there were some things that he had done to the property that possibly were not evident, however, they weren't necessarily items that would bring the property into minimum code compliance. Mr. Reynolds said that he had questions to which the answers might determine whether he could repair the property or would have to raze the structures.

Chairman Wolfington inquired whether Mr. Reynolds still lived at the property. Mr. Reynolds explained that he no longer lived there, but did want to bring the premises into code compliance. Responding to Chairman Wolfington's question of whether he had the funds to make the necessary improvements, Mr. Reynolds said that he did not currently have the monies. Chairman Wolfington asked Mr. Reynolds if he had the financial means to pay the delinquent taxes; Mr. Reynolds said that he might be able to pay a portion of them.

Due to the extended time period that the property had been in disrepair, Chairman Wolfington explained that coming before the Board of Code Standards and Appeals was really a last resort. Additionally, any financial assistance that Mr. Reynolds had hoped to obtain from the City of Wichita should have been sought prior to the property being sent to the Board hearing for condemnation review. He asked Mr. Reynolds if he had made any attempt to sale the property; Mr. Reynolds said that he had not tried to sell it.

Chairman Wolfington suggested that Mr. Reynolds consider the overall situation, from the large sum owed on the delinquent taxes and the potential cost of the repairs to the structures.

Board Member Hartwell made a motion to send the property to the City Council with a recommendation for demolition, ten days to start and ten days to complete demolition.

Chairman Wolfington clarified the motion for Mr. Reynolds, adding that the property would most likely appear on the September, 2005, City Council agenda. At that time, it would be the right of the property owner to appeal the Board's recommendation to the City Council. Should the property remain in its current condition, and if the delinquent taxes remain unpaid, Chairman Wolfington said he was certain that the Council would vote to have the structures demolished.

The motion was seconded by Board Member Harder. The motion passed, unopposed.

6. , 7., 8. 1304 N. Piatt, 1308 N. Piatt, 1308-1/2 N. Piatt

There was no one there to represent these properties.

These structures are on the same parcel of land. The active files were started on these properties in 1999. One of the structures has fire damage throughout and is open and unsecured.

Board Member Harder made a motion to refer these properties to the City Council for demolition action, ten days to start and ten days to complete

demolition. The motion was seconded by Board Member Willenberg. The motion carried.

9. 2821 E. 13th

There was no one present to represent this property.

This property is a one-story frame dwelling about 24 x 45 feet in size. It is currently vacant and open. It has a shifting and cracking block foundation that is missing a block. The wood lap and asphalt siding is deteriorated and some of the siding is missing. The roof is badly deteriorated with holes in the south side. The front porch cover is deteriorated and there is rotted and missing wood trim. The rear of the property is inaccessible due to the overgrowth of weeds and grass.

Board Member Youle made a motion to recommend the property for demolition action by the City Council, ten days to start and ten days to complete demolition. The motion was seconded by Board Member Harder. The motion carried unanimously.

10. 1658 N. Volutsia

Anthony Crain was present to represent this property.

This is a one-story frame dwelling approximately 23 x 38 feet in size; the structure is vacant and open. There is missing and deteriorated wood lap and vinyl siding; the roof is fire-damaged; there are broken windows; there is deteriorated wood trim; the interior has been gutted by fire.

The active case was started on this property on January 29, 2004. There was no response to the Notice of Improvement or the Notice of Violation to secure the property. Another Notice of Violation was issued on April 1, 2004, but received no response from the owner.

Currently, the 2003 and 2004 taxes are delinquent. There is tall grass and bulky waste on the premises.

Ms. Legge informed the Board that Mr. Crain is the new owner of the property and is in the process of razing the structure. A wrecking permit has been issued; the premises are in need of final grading and the removal of the debris.

Chairman Wolfington inquired of Mr. Crain whether the demolition, grading and clean up would be completed by the September, 2005, Board meeting. Mr. Crain stated that he would be finished with the entire project by the end of July, 2005.

Board Member Harder made a motion to return the property to regular code enforcement. The motion was seconded by Board member Willenberg. The motion carried unanimously.

11. 1858 N. Pennsylvania

No one appeared on behalf of this property.

This is a one-story frame dwelling approximately 28 x 24 feet in size. It has been vacant for about five years; the structure has a cracking concrete foundation; there is rotted and missing wood siding; there is rotted wood trim. The active file was initiated on this property on November 10, 1999.

Board Member Harder made a motion to send the property to the City Council for demolition action, ten days to start and ten days to complete demolition. The motion was seconded by Board Member Youle. The motion passed, unopposed.

12. 2444 N. Minnesota

There was no one appearing to represent this property.

This is a one-story frame dwelling approximately 24 x 38 feet in size. This structure has been vacant for at over two years. There are broken and missing siding shingles; the foundation is open at the rear; the roof is deteriorated; there is rotted and missing wood trim.

In July, 2002, an active file was initiated on this property. There was no response to the Notice of Improvement or the Notice of Violation sent to the owner.

Board Member Youle made a motion to send the property to the City Council with a recommendation of demolition with ten days to start and ten days to complete demolition. The motion was seconded by Board Member Harder. The motion carried.

12. 2234 N. Shelton

There was no one present to represent this property.

This property was damaged by fire on December 22, 2004. The taxes are delinquent for 2001, 2002, 2003 and 2004. The structure is open.

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A motion was made by Board Member Harder to refer the property to the City Council for demolition action, ten days to start and ten days to complete demolition. The motion was seconded by Board Member Willenberg. The motion passed, unopposed.

The meeting was adjourned at 2:04 p.m.